

From: Gary, Brent R. <BGary@ReedSmith.com>
Sent: Friday, March 27, 2020 7:49 AM
To: Campbell, Allen B <Allen.B.Campbell@wv.gov>
Cc: Steven R. Compton <Steven.R.Compton@wvago.gov>; Boranian, Steven J. <SBoranian@ReedSmith.com>; ZZ-Callas, Gretchen <GCALLAS@jacksonkelly.com>; Porter, Luke S. <LPorter@reedsmith.com>; Sizemore, Justin M. <JSizemore@ReedSmith.com>
Subject: RE: Huntington v. AmerisourceBergen, et. al. subpoena

Allen,

Thank you for your email. We understand your concerns and the difficulties DHHR and BCF are experiencing at this time due to the COVID 19 pandemic. As we discussed on the phone, we are committed to working with you and BCF to address the broadness/burdensome issues you expressed and we will reach back out to you shortly with a proposed time for another call early next week when we can discuss them. Thanks again for your attention to this subpoena.

Brent

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From: Campbell, Allen B <Allen.B.Campbell@wv.gov>
Sent: Thursday, March 26, 2020 4:46 PM
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Subject: Huntington v. AmerisourceBergen, et. al. subpoena

EXTERNAL E-MAIL - From Allen.B.Campbell@wv.gov

Gary,

I am glad we had an opportunity to discuss, in a preliminary fashion, the third party subpoena directed to DHHR's Bureau for Children and Families (BCF). As I explained in our telephone conference, BCF will not be able to respond to the subpoena by the date of return due to the public health crisis created by the COVID 19 epidemic. The Governor of West Virginia has issued a Stay at Home Order which affects the majority of state employees. While many of our employees are working from home, they are doing so with limited capabilities and diminished access to the types of information and data necessary to respond to the subpoena. Additionally, BCF management level staff are focused on ensuring vital services are maintained during this crisis. Consequently, please consider this email a request for an extension to respond and/or object to the document requests contained in the subpoena. As I noted this morning, many of the

requests appear to BCF to be overly broad and unduly burdensome and the relevant time frames appear to be disproportional to the litigation at hand. Given the exigencies of the COVID 19 pandemic and the resulting limits on staff and resources, it is uncertain if BCF would be able to comply with the subpoena as crafted by the end of your discovery cut off. I look forward to discussing these issues with you again next week. Should you have any questions, please do not hesitate to contact me.

B. Allen Campbell
Senior Assistant Attorney General

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